



Mr. Steven Matthews
Chair
Oireachtas Committee on Housing, Local Government and Heritage,
Leinster House,
Kildare Street,
Dublin 2

27th February 2023

Re. Draft Planning & Development Bill 2022 - Part 10 (Architectural Heritage)

To whom it may concern,

The Irish Georgian Society (IGS) is a membership organisation which encourages and promotes the conservation of distinguished examples of architecture and the allied arts of all periods in Ireland. These aims are achieved through our education programmes, by supporting and undertaking conservation works, publishing original research, planning participation and fundraising. The IGS has had a marked and widely acknowledged impact on the conservation of built heritage in the state and has wide experience of the problems associated with the restoration, repair and maintenance of the fabric of historic property.

The IGS understands that the Oireachtas Joint Committee on Housing, Planning and Local Government is considering the Draft Planning and Development Bill 2022 and that the Committee has invited comments from and is meeting with a representative sample stakeholders in the planning process to inform a report that a Committee will prepare on the Bill in advance of its publication. While the Committee has not requested that the IGS provide comments as part of that process, we provide the following observations on the Bill in the hopes that it may be of some assistance to the Committee.

1. Capacity of Local Authorities

New measures introduced in the draft Bill will bring a further workload for Local Authorities (LA) who already are under-resourced in fulfilling their roles under the current legislation. These new measures include the proposed mechanism for requesting declarations in Architectural Conservation Areas (**278**) and the proposal to introduce declarations to define features with the attendant grounds and the extent of curtilage of a protected structure (**257.1.b**). The IGS is specifically concerned about the

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The Irish Georgian Foundation, operating as the Irish Georgian Society, is a charitable organisation which encourages the appreciation and conservation of Ireland's architecture and decorative arts

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Charity Reference No. CHY 6372 CRA: 20011505 Company Registration No: 32176

difficulties in delivering these measures when there is already a shortfall in the provision of Architectural Conservation Officers (ACO) and other architectural heritage specialists in several LAs.

2. Timelines

Regarding processes relating to adding to or deleting from the record of protected structures (256), additional timeframes have been added while several existing timeframes have been reduced. Several of these timeframes are impractical, such as the 4-week timeframe to notify owners or occupiers of a Ministerial recommendation. The IGS would caution that several of these timeframes may prove unworkable if considering multiple structures, such as a batch of buildings included within the National Inventory of Architectural Heritage. These timeframes will put additional pressure on LAs and could be unfeasible in several instances.

3. Guidelines

The IGS is of the view that clear guidelines will be essential to fulfilling many of the new measures including the proposal to introduce declarations as to the features within the attendant grounds and the extent of the curtilage of the structure that are to be protected (257.1.c). The timeline for issuing such guidance will be critical to ensure that there is consistency in implementation.

3. Enabling residential use

The IGS is of the view that the proposals to enable the residential use of protected structures (257.4) are insufficiently clear. While encouraging the re-use of vacant or derelict buildings for residential use is to be welcomed, exempting works to protected structures, even for the worthiest of reasons, can prove problematic. Protected structures, by their nature, require careful survey, analysis and consideration regarding change, particularly regarding the provision of modern services, even though these may appear insignificant. The planning process allows for proper guidance and input from conservation specialists, and for making a record of the changes and alterations that occur, an essential component of ensuring the future protection of our architectural heritage.

4. Ministerial Recommendations Notification

The IGS is concerned about the process for notifying owners and occupiers of buildings of a Ministerial recommendation for inclusion in the record of protected structures (255.2). The concern is that an absence of protective cover at the stage prior to a building being proposed for inclusion in the RPS may leave such structures vulnerable. As such, it is proposed that the Bill allows them to benefit from the same legal protection as would a proposed protected structure.

5. Materially Affecting Character

The draft Bill has omitted Sections 57(1) and Section 82(1) of the current Planning & Development Act 2000 (as amended), which state that works shall be exempted development only if those works would not materially affect the character of the structure, or any element of the structure which



contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. As such, the draft Bill fails to clearly set out the requirement for planning permission if works would materially affect the character of a protected structure or Architectural Conservation Area. For this reason, the IGS recommends that these measures be reinstated.

6. Deletion of structures from the record of protected structures on economic or financial viability grounds

Similar to Part IV of the Planning and Development Act 2000, Part 10 of the Draft Bill provides for the designation of structures “*which form part of the architectural heritage and which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest*” as “*protected structures*” under every development plan. The protections afforded to such structures under Part 10 of the Draft Bill include obligations on owners / occupiers to safeguard protected structures from endangerment and powers conferred on local authorities to require that works of restoration be carried out or to carry out such works. Demolition of protected structures is permitted only in “*exceptional circumstances*” (section 57(10)(b) of the 2000 Act and Section 153 of the Draft Bill).

Both the 2000 Act and the Draft Bill permit deletions from the record of protected structures where the designation is no longer warranted. Section 253(1)(b) of the Draft Bill provides a welcome clarification to the previous provisions (set out in section 54(1)(a)(ii) of the 2000 Act) by stating that a Planning Authority may “*delete a structure, a specified part of a structure or a specified feature within the attendant grounds of a structure from its record of protected structures where the authority considers that the protection of the structure, part or feature, as the case may be, is no longer warranted having regard to special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, and to the proper planning and sustainable development of the area.*”

However, the Society wishes to draw the attention of the Oireachtas Committee to the fact that, since the coming into force of the *Planning and Development Act 2000*, and, in particular, in recent years, numerous structures have been deleted from records of protected structures on the grounds that it would not be financially viable to conserve or restore the structure. Typically, where this occurs, the protected structure has degraded over a period of many years before a decision is taken to remove it from the record of protected structures. This occurs notwithstanding clear guidance set out in the *Architectural Heritage Protection Guidelines for Planning Authorities* that deletions from the record of protected structures should only occur where the value of the structure has been lost as a result of a major accident, where the structure was mistakenly designated as a result of incorrect information or where the structure will instead be protected by another more suitable designation.

It is the opinion of the Society that the removal of a structure already determined to be of architectural heritage importance from the record of

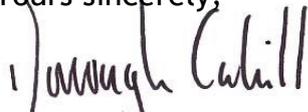


protected structures for financial reasons undermines the provisions for the protection of architectural heritage set out in planning legislation, and is contrary to Ireland's obligations under international conventions for the protection of architectural heritage. It is frequently the case that issues of financial viability will arise in the conservation of buildings of heritage importance (including buildings of national or international importance), particularly in rural areas. A large proportion of protected structures are in active use and are maintained and conserved by their owners and occupiers, often at great personal cost. However, if it is an option to neglect to maintain a protected structure until the building becomes dangerous or until it is no longer financially viable to restore it, any protections afforded under planning legislation are rendered meaningless.

Given this, the Society requests that consideration be given to including a new subsection under Section 253 of the Draft Bill to the effect that the deletion of a structure from the record of protected structures on economic or financial viability grounds shall not occur.

The IGS urges that every consideration be given to the observations made in this submission and would welcome an opportunity to engage in future consultation processes for the Planning & Development Bill.

Yours sincerely,



Donough Cahill
Executive Director IGS

